

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE, (CABN 15063)
Chief, Criminal Division

BLAKE D. STAMM (CTBN 301887)
Assistant United States Attorney
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7063
Fax: (415) 436-7009

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
OMAR WARD,)
)
Defendant.)

No. CR 06 0380 SI

**UNITED STATES' MOTION TO
CONTINUE BRIEFING SCHEDULE
AND TO UNSEAL PLEA
AGREEMENT AND JUDGMENT
AND PROPOSED ORDER**

Defendant has filed a motion for reduction of sentence pursuant to 18 U.S.C. 3582(c)(2). On October 12, 2007, he received a sentence which included ninety months imprisonment for the violation of 21 U.S.C.841(a)(1).

1. The government seeks to unseal the plea agreement as well as judgment in this matter for the limited purpose in responding to defendant's motion.

2. The government seeks a continuance of the Court's briefing schedule to permit the government access to the relevant pleadings and to form its response. The government proposes September 2, 2011 as the due date for its response and September 26, 2011 as the due date for defendant's reply.

3. The defendant has presented a motion under 18 U.S.C. § 3582(c)(2) for a reduction in sentence, on the basis of a proposed amendment to the Sentencing Guidelines

1 with regard to crack cocaine offenses. This motion is premature, as the amendment does
2 not become effective until November 1, 2011, and only then if not disapproved by
3 Congress.

4 Respectfully submitted,

5 MELINDA HAAG
6 United States Attorney

7
8 Dated: August 9, 2011

9 /s
10 BLAKE D. STAMM
11 Assistant United States Attorney

12 **IT IS SO ORDERED.**

13
14 Dated:

15 SUSAN ILLSON
16 United States District Judge

CERTIFICATE OF SERVICE

I, **KATHY TAT** declare:

That I am a citizen of the United States of America and employed in San Francisco County, California; that my business address is Office of United States Attorney, 450 Golden Gate Avenue, Box 36055, San Francisco, California 94102; that I am over the age of eighteen years, and am not a party to the above-entitled action.

I am employed by the United States Attorney for the Northern District of California and discretion to be competent to serve papers. The undersigned further certifies that I caused a copy of the following:

UNITED STATES' MOTION TO CONTINUE BRIEFING SCHEDULE AND TO UNSEAL PLEA AGREEMENT AND JUDGMENT AND PROPOSED ORDER

to be served this date upon the party(ies) in this action by placing a true copy thereof in a sealed envelope, and served as follows:

 X **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

 PERSONAL SERVICE (BY MESSENGER/HAND DELIVERED)

 FACSIMILE (FAX) No.: _____

to the parties addressed as follows:

Omar Ward
94258-111
FCI La Tuna
PO 3000
Anthony, TX 88021

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on **August 10, 2011** at San Francisco, California.

/s/
KATHY TAT
Legal Assistant